

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: May 15, 2015
Time: 1:00 p.m.

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In re

AMERICA SANCHEZ,

Case No. 10-12490-JLG

Debtor.

Confirmed Chapter 13

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**SUPPLEMENTAL DECLARATION IN OPPOSITION TO DEBTOR'S MOTION TO
VACATE SETTLEMENT AGREEMENT OF MARTHA J. DE JESUS**

Martha J. de Jesus, an associate of Ortiz & Ortiz, L.L.P. ("O&O"), hereby declares as follows:

1. By Declaration dated April 30, 2015, I attested to, among other things, the facts demonstrating that America Sanchez (the "Debtor") knowingly entered into the settlement agreement (the "Agreement") she signed with America's Servicing Company ("ASC"), and fully understood its terms before she signed it. I hereby supplement that Declaration with the following additional information.

2. At Paragraph 27 of my Declaration, I stated that a cousin had attended a meeting in my office on January 27, 2014, to discuss the Agreement. I could not recall the cousin's name when I prepared my declaration.

3. When I appeared before the Court on May 7th, I recognized the cousin in the courtroom. He identified himself as Jose Paez and translated the Court's question to the Debtor on the record.

4. I searched my office's email records and found a record of a telephone message

from Mr. Paez dated January 29, 2014, requesting that we call him back about the papers we gave him for the Debtor. The record is annexed as Exhibit A. The only “papers” we provided Mr. Paez was a copy of the Agreement. The message confirms the accuracy of my representation to the Court that Mr. Paez attended a meeting in my office for the purpose of discussing the Agreement.

5. Annexed hereto as Exhibit B is a copy of a letter I obtained from Jay Teitelbaum, counsel to ASC, dated February 9, 2014. The letter bears the name “Paez Realty” and is signed by Mr. Paez. In that letter, Mr. Paez states that he is a real estate broker with over 30 years of experience, and states that he spoke to Mr. Teitelbaum earlier in the month. The letter also states that

I am aware that Ms. Sanchez and some of the other tenants **are looking to move** and the property will be vacant. I would like to get a buyer in place before this happens.

(Emphasis added).

6. The February 9th letter supports my contention that the Debtor was fully informed of the terms of the Agreement and agreed to the terms before she signed the Agreement. It further supports my contention that the Debtor had the assistance of an experienced real estate investor and family member before she signed the Agreement. The assistance she received from Mr. Paez supplemented the advice she received from her counsel.

7. Mr. Paez’s letter supports my contention that the Debtor states falsely that she did not agree to give up her house and did not understand that she was doing so.

8. In response to Ms. Sanchez’s affidavit of May 4, 2015, it is false that she was never informed of her options other than agreeing to the settlement. I personally explained to the

debtor the alternatives to the settlement on December 10, 2014, in my role as translator as negotiations were held.

9. Ms. Sanchez's affidavit also admits that she realized the settlement included giving up her home when she states "I did realize that I lost my property in the bankruptcy proceeding." Sanchez Aff. Par. 9. Her contention that our fees were not explained to her is also false. I explained the terms of the settlement to Ms. Sanchez on multiple occasions, including the payment of our fees.

I declare under the penalty of perjury that the foregoing is true and accurate.

Dated: May 11, 2015
Astoria, New York

/s/Martha J. de Jesus
Martha J. de Jesus
Ortiz & Ortiz L.L.P.
32-72 Steinway Street, Ste. 402
Astoria, NY 11103
Tel. (718) 522-1117

EXHIBIT A

Ortiz & Ortiz, LLP

From: Martha de Jesus <martha@ortizandortiz.com>
Sent: Monday, May 11, 2015 1:12 PM
To: America Sanchez Clio Maildrop 00001-America Sanchez
Cc: Ortiz & Ortiz, LLP
Subject: FW: T -- Am Sanchez -- Jose Paez - 646-271-5208



Martha de Jesus | Associate
Ortiz & Ortiz, L.L.P. | 32-72 Steinway Street | Suite 402
Astoria, NY 11103 | Office (718) 522-1117 | Fax (718) 596-1302
martha@ortizandortiz.com

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From: Ortiz & Ortiz, LLP
Sent: Wednesday, January 29, 2014 5:23 PM
To: Ortiz & Ortiz, LLP
Subject: T -- Am Sanchez -- Jose Paez - 646-271-5208

From: Ortiz & Ortiz, LLP
Sent: Wednesday, January 29, 2014 2:00 PM
To: Ortiz & Ortiz, LLP
Subject: Jose Paez - 646-271-5208

Called saying you gave him papers to review for america sanchez. PLease call him back

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.5863 / Virus Database: 4342/9748 - Release Date: 05/11/15

EXHIBIT B

Paez Realty

1150A Castle hill Avenue
Bronx NY 104762

Tel: 347-810-8810

February 9, 2014

ATTENTION:

Jay Teitelbaum, ESQ.
Teitelbaum & Baskin, LLP
1 Barker Avenue
White Plains, NY 10601

Dear Mr. Teitelbaum,

My name is Jose Paez. I am an independent real estate broker in the Bronx for over 30 years. I have come across one of your cases, **CASE #10-12490 (SHL)**, which is in reference to America Sanchez, residing in 1130 Elder Avenue, #2A, Bronx, NY 10472.

As per our conversation earlier this month, I would like to assist you in the negotiation of a short sale or the sale of this property, for I am aware that Ms. Sanchez and some of the other tenants are looking to move and the property will be vacant. I would like to get a buyer in place before this happens. I have dealt with *Wells Fargo* and *Bank of America* in short sales in which I was entrusted to maintain the property until the sales were finalized.

Attached is a copy of my broker's license and, just to let you know, I am also registered with EQUATOR.com. If you have any questions, please feel free to call me on my cell phone, 646-271-5208.

Sincerely,

Jose Paez
Paez Realty